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EPA I.D. NO. MOD050226075

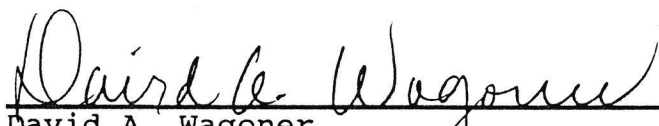
EPA AUTHORIZATION UNDER THE HAZARDOUS AND
SOLID WASTE AMENDMENTS OF 1984

Pursuant to Section 227 of the Hazardous and Solid Waste Amendments of 1984 (hereinafter "HSWA") EPA is granted authority to issue or deny permits for those portions of permits affected by the requirements established by HSWA. By this authority and pursuant to Sections 3005(c)(3) and 3004(u) of the Resource Conservation and Recovery Act (RCRA) as amended by HSWA, 42 U.S.C. § 6922(b) and 42 U.S.C. § 6924(u), EPA hereby grants to a permit to American Cyanamid, EPA I.D. Number MOD050226075, located in Hannibal, Missouri.

Special Permit Condition III of the permit addresses the requirements for solid waste management units as administered and enforced by EPA. Applicable regulations are found in 40 CFR Parts 260 through 264, 270, and 124, as specified in this permit. Further, this section incorporates by reference the Standard Permit Conditions, the General Permit Conditions, and Special Permit Conditions I and II of the Missouri Department of Natural Resources Hazardous Waste Management Operating Permit.

This permit shall become effective at Midnight on May 30, 1990, and shall remain in effect until May 25, 2000, unless revoked and reissued, or terminated (40 CFR 270.41 and 270.43) or continued in accordance with 40 CFR 270.51.

Done at Kansas City, Kansas, this 25th day of April, 1990.



David A. Wagoner
Director, Waste Management Division



R00301921
RCRA RECORDS CENTER

III. HAZARDOUS AND SOLID WASTE AMENDMENTS (HWA) PERMIT

SCHEDULE OF COMPLIANCE FOR

CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

1. IDENTIFICATION OF SOLID WASTE MANAGEMENT UNITS

- A. Zink Incinerator A
- B. Zink Incinerator B
- C. Trane/Brule Incinerator

2. DEFINITIONS

For purposes of this permit, terms used herein shall have the same meaning as those in RCRA and 40 CFR Parts 124, 260, 261, 264, and 270, unless this permit specifically provides otherwise; where terms are not defined in RCRA, the regulations, the permit or EPA guidances or publications, the meaning associated with such terms shall be defined by a standard dictionary reference of the generally accepted scientific or industrial meaning of the term.

"Facility" means all contiguous property under the control of the owner or operator.

"Release" means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents).

"Solid waste management unit (SWMU)" means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released.

"Hazardous waste" means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. The term hazardous waste includes hazardous constituent as defined below.

"Hazardous constituent" means any constituent identified in Appendix VIII of 40 CFR Part 261.

3. STANDARD CONDITIONS

- A. Section 3004(u) of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), and 40 CFR §264.101 require that permits issued after November 8, 1984, address corrective action for releases of hazardous wastes including hazardous constituents from any solid waste management unit (SWMU) at the facility, regardless of when the waste was placed in the unit.
- B. Failure to submit the information required in this Corrective Action Schedule of Compliance, or falsification of any submitted information, is grounds for termination of this Permit (40 CFR §270.43). The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Regional Administrator required in this Corrective Action Schedule of Compliance are signed and certified in accordance with 40 CFR §270.11. Four (4) copies of these plans, reports, notifications or other submissions shall be submitted to the EPA and sent by certified mail or hand delivered to:

U.S. Environmental Protection Agency
Region 7
WSTM Division/RCRA Branch
726 Minnesota Avenue
Kansas City, KS 66101

- C. All plans and schedules required by the conditions of this Corrective Action Schedule of Compliance are, upon approval of the Regional Administrator, incorporated into this Schedule of Compliance by reference and become an enforceable part of this Permit. Any noncompliance with such approved plans and schedules shall constitute noncompliance with this Permit. Extensions of the due dates for submittals may be granted by the Regional Administrator in accordance with the permit modification procedures set forth in 40 CFR §270.42.
 - D. If the Regional Administrator determines that further actions beyond those provided in this Corrective Action Schedule of Compliance, or changes to the requirements set forth herein are warranted, the Regional Administrator will modify the Schedule of Compliance according to procedures in Section 12 of this Permit.
 - E. All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to this Corrective Action Schedule of Compliance shall be maintained at the facility [or other location approved by the Regional Administrator] during the term of this Permit, including any reissued Permits.
 - F. Each permit issued under Section 3005 of RCRA shall contain terms and conditions as the Regional Administrator determines necessary to protect human health and the environment. (40 CFR 270.32)
4. NOTIFICATION REQUIREMENTS FOR AND ASSESSMENT OF NEWLY-IDENTIFIED SOLID WASTE MANAGEMENT UNITS
- A. The Permittee shall notify the Regional Administrator in writing of any newly-identified SWMU(s), discovered during the course of ground-water monitoring, field investigations, environmental audits, or other means, no later than fifteen (15) calendar days after discovery.
 - B. After such notification, the Regional Administrator may request, in writing, that the Permittee prepare a SWMU Assessment Plan and a proposed schedule of implementation and completion of the Plan for any additional SWMU(s) discovered subsequent to the issuance of this Permit.

- C. Within ninety (90) calendar days after receipt of the Regional Administrator's request for a SWMU Assessment Plan, the Permittee shall submit a SWMU Assessment Plan for determining past and present operations at the unit, as well a sampling and analysis program for groundwater, land surface and subsurface strata, surface water or air, as necessary to determine whether a release of hazardous waste including hazardous constituents from such unit(s) has occurred, is likely to have occurred, or is likely to occur. Previously collected data will be considered in development of the SWMU Assessment Plan. The SWMU Assessment Plan must demonstrate that the sampling and analysis program, if applicable, is capable of yielding representative samples and must include parameters sufficient to identify migration of hazardous waste including hazardous constituents from the newly-discovered SWMU(s) to the environment.
- D. The SWMU Assessment Plan will be reviewed and approved in accordance with the procedures set forth in Section 13, herein. Upon approval thereof by EPA, the Permittee shall implement said plan in accordance with the schedules contained therein.
- E. The Permittee shall submit a SWMU Assessment Report to the Regional Administrator according to the schedule specified in the approved SWMU Assessment Plan. The SWMU Assessment Report shall present and discuss the information obtained from implementation of the approved SWMU Assessment Plan. At a minimum, the Report shall provide the following information for each newly-identified SWMU:
1. The location of the newly-identified SWMU in relation to other SWMUs as indicated on a topographic map;
 2. The type and function of the unit;
 3. The general dimensions, capacities, and structural description of the unit (supply any available drawings);
 4. The period during which the unit was operated;
 5. The physical and chemical properties of all wastes that have been or are being managed at the SWMU, to the extent available; and

6. The results of any sampling and analysis required for the purpose of determining whether releases of hazardous wastes, including hazardous constituents, have occurred, are occurring, or are likely to occur from the unit.

F. Based on the results of this Report, the Regional Administrator will determine the need for further investigations at specific unit(s) covered in the SWMU Assessment. If the Regional Administrator determines that such investigations are needed, the Regional Administrator may require the Permittee to prepare a plan for such investigations. This plan will be reviewed for approval in accordance with the procedures set forth in Section 13 herein. Upon approval thereof, by EPA, the Permittee shall implement the plan in accordance with the schedule contained therein.

5. NOTIFICATION REQUIREMENTS FOR NEWLY-DISCOVERED RELEASES AT SWMUS

The Permittee shall notify the Regional Administrator, in writing, of any release(s) of hazardous waste including hazardous constituents discovered during the course of ground-water monitoring, field investigation, environmental auditing, or other activities undertaken after commencement of the RFI, no later than fifteen (15) calendar days after discovery. Such newly-discovered releases may be from newly identified units, from units for which, based on the findings of the RFA, the Regional Administrator had previously determined that no further investigation was necessary, or from units investigated as part of the RFI. The Regional Administrator may require further investigation of the newly-identified release(s). A plan for such investigation will be reviewed for approval in accordance with the procedures set forth in Section 13. of this permit.

6. RCRA FACILITY INVESTIGATION (RFI) WORKPLAN

- A. Based on information submitted by the Permittee, The Regional Administrator may require that the Permittee prepare and submit a workplan for development of a RCRA Facility Investigation to characterize the nature, rate, direction, movement, and concentration of releases of hazardous constituents from solid waste management units.

- B. The RFI Workplan will be reviewed and approved in accordance with the procedures set forth in Section 15 herein. Upon approval thereof by EPA, the Permittee shall implement said plan in accordance with the schedules contained therein.

7. OPERATING REQUIREMENTS

The Permittee Shall operate the incinerators, identified in Section 1 of this permit, in compliance with the temperature and carbon monoxide limitations specified in the Missouri Department of Natural Resources Hazardous Waste Incinerator permit at all times they burn solid wastes containing hazardous constituents, as defined in this permit, in concentrations greater than 100 parts per million.

8. INTERIM MEASURES

If during the course of any activity initiated under this Corrective Action Schedule of Compliance, the Regional Administrator determines that a release or potential release of hazardous waste including hazardous constituents from a SWMU poses a threat to human health or the environment, the Regional Administrator may require interim measures. The Regional Administrator will determine the specific action(s) that must be taken to implement the interim measure, including potential permit modifications and the schedule for implementing the required measures. The Regional Administrator will notify the Permittee in writing of the requirement to perform such interim measures. The Regional Administrator will modify the Corrective Action Schedule of Compliance according to the permit modification procedures under 40 CFR § 270.41, to incorporate such interim measures into the permit.

9. CORRECTIVE MEASURES STUDY

- A. If after completion of the RFA/RFI the Regional Administrator has reason to believe that a SWMU has released concentrations of hazardous constituents that may present a threat to human health or the environment given site-specific exposure conditions, the Regional Administrator may require a Corrective Measures Study (CMS) and will notify the Permittee in writing. This notice will identify the hazardous constituent(s) of concern given site specific exposure conditions. The notification may also specify remedial alternatives to be evaluated by the Permittee during the CMS.

10. REMEDY SELECTION

Based on the results of the CMS and any further evaluations of additional remedies under this study, the Regional Administrator will select a remedy from the remedial alternatives evaluated in the CMS that will (1) be protective of human health and the environment; (2) control the source(s) of release(s) so as to reduce or eliminate, to the maximum extent practicable, further releases that might pose a threat to human health and the environment; and (3) meet all applicable federal, state, and local laws and regulations.

11. PERMIT MODIFICATION FOR REMEDY

- A. Based on information the Permittee submits in the RFI Report and CMS Report and other information, the Regional Administrator will select a remedy and initiate a permit modification to this Permit pursuant to 40 CFR § 270.41 or § 270.42 Class 3 as applicable.
- B. Within one hundred and twenty (120) calendar days after this Permit has been modified, the Permittee shall demonstrate financial assurance for completing the approved remedy.

12. MODIFICATION OF THE CORRECTIVE ACTION SCHEDULE OF COMPLIANCE

- A. If at any time the Regional Administrator determines that modification of the Corrective Action Schedule of Compliance is necessary, he or she may initiate a modification to the Schedule of Compliance according to the procedures to the procedures set forth in 40 CFR § 270.41. in 40 CFR § 270.41.
- B. Pursuant to the provisions of 40 CFR § 270.42, the Permittee may request a modification of the permit at any time.
- C. Modifications to the Corrective Action Schedule of Compliance do not constitute a reissuance of the Permit.

13. REVIEW AND APPROVAL PROCEDURES

After submission of any plan or report, the Regional Administrator will either approve or disapprove the plan in writing. The Permittee shall implement all approved plans according to the schedule contained in the plan.

If the Regional Administrator disapproves the plan or report, the Regional Administrator will notify the Permittee in writing of the plan's deficiencies and specify a due date for submittal of a revision.

If the Regional Administrator also disapproves the revised plan or report, the Regional Administrator will modify the plan or report and notify the Permittee of the modifications. The plan or report modified by the Regional Administrator is the approved plan or report.

If the Permittee takes exception to the modifications made by the Regional Administrator, the Permittee shall follow the procedures in Section 14, DISPUTE RESOLUTION.

14. DISPUTE RESOLUTION

- A. If the Permittee disagrees, in whole or in part, with any EPA disapproval, modification, or other decision or directive made by EPA pursuant to this Permit, the Permittee shall notify EPA in writing of his objections and bases therefore within (10) calendar days of receipt of EPA's disapproval, decision, or directive. Said notice shall set forth specific points of the dispute, the position the Permittee maintains should be adopted as consistent with the requirements of this Permit, the factual and legal basis for the Permittee's position, and all matters it considers necessary for EPA's determination. EPA and the Permittee shall then have an additional thirty (30) days from EPA's receipt of the Permittee's objection to attempt to resolve the dispute. If the parties are unable to reach complete agreement within this 30-day period, the matter will be submitted to the Regional Administrator or representative of the Regional Administrator for resolution. This resolution will be reduced to writing and incorporated into this Permit.
- B. The existence of a dispute as defined herein and EPA's consideration of such matters as placed in dispute shall not excuse, toll or suspend any obligation or deadline required pursuant to this Permit, that is not the subject of dispute, during pendency of the dispute resolution process.

15. INSPECTION AND ENTRY

In accordance with 40 CFR 270.30(i) the Permittee shall allow the EPA Regional Administrator or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

- A. Enter at reasonable times upon the Permittee's premises where a regulated activity is located or conducted or where records must be kept under the conditions of this permit.
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.
- C. Inspect at reasonable times any facilities , equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- D. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA, any substance or parameter at any location.

16. APPEAL OF A PERMIT

- A. Within thirty (30) days after a final permit decision has been issued under 40 CFR 124.15, any person who filed comments on that draft permit or participated in the public hearing may petition the Administrator to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision. The thirty (30) day period within which a person may request review under this Section begins with the service of notice of the Regional Administrator's action unless a later date is specified in that notice. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required by these regulations and when appropriate, a showing that the condition in question is based on:

1. A finding of fact or conclusion of law which is clearly erroneous, or
 2. An exercise of discretion or an important policy consideration which the Administrator should, in his or her discretion, review.
- B. The Administrator may also decide on his or her initiative to review any condition of a RCRA permit issued under 40 CFR Part 124. The Administrator must act under this paragraph within thirty (30) days of the service date of notice of the Administrator's action.
- C. Within a reasonable time following the filing of the petition for review, the Administrator will issue an order either granting or denying the petition for review. To the extent review is denied, the conditions of the final permit decision become final agency action. Public notice of any grant of review by the Administrator under paragraph (A) or (B) of this section will be given as provided in 40 CFR 124.10. Public notice will set forth a briefing schedule for the appeal and will state that any interested person may file an amicus brief. Notice of denial of review will be sent only to the person(s) requesting review.
- D. A petition to the Administrator under paragraph (A) of this Section is, under 5 U.S.C. 704, a prerequisite to the seeking of judicial review of the final agency action.
- E. For purposes of judicial review under RCRA, final agency action occurs when a final RCRA permit is issued or denied by EPA and agency review procedures are exhausted. A final permit decision will be deemed to have been issued by the Administrator:
1. When the Administrator issues notice to the parties that review has been denied;
 2. When the Administrator issues a decision on the merits of the appeal and the decision does not include a remand of the proceedings; or
 3. Upon the completion of remand proceedings if the proceedings are remanded, unless the Administrator's remand order specifically provides that appeal of the remand decision will be required to exhaust administrative remedies.